

VZCZCXRO5117
PP RUEHAG RUEHAST RUEHDA RUEHDBU RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA
RUEHLN RUEHLZ RUEHPOD RUEHROV RUEHSR RUEHVK RUEHYG
DE RUEHWR #1457/01 1761508
ZNR UUUUU ZZH
P 251508Z JUN 07
FM AMEMBASSY WARSAW
TO RUEHC/SECSTATE WASHDC PRIORITY 4638
INFO RUEHKW/AMCONSUL KRAKOW PRIORITY 1754
RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUCPDO/DEPT OF COMMERCE WASHINGTON DC

UNCLAS SECTION 01 OF 02 WARSAW 001457

SIPDIS

SENSITIVE
SIPDIS

STATE FOR EUR/NCE, CA
EUR/NCE FOR DKOSTELANCIK, BPUTNEY
CA/OCS/CI FOR ECHERRY
COMMERCE FOR 4232/ITA/MAC/EUR/OECA/MROGERS

E.O. 12958: N/A
TAGS: [CASC](#) [EINV](#) [ECON](#) [PREL](#) [PL](#)
SUBJECT: AMBASSADOR DISCUSSES HAGUE CONVENTION, MIELEC
INVESTIGATION WITH MINISTER OF JUSTICE ZIOBRO

REF: STATE 85445 AND PREVIOUS

WARSAW 00001457 001.2 OF 002

11. (SBU) Summary. Ambassador met with Minister of Justice Ziobro to discuss Hague Convention on International Child Abduction enforcement and the investigation of corruption in the privatization of the Mielec aircraft factory. Minister Ziobro promised to look into the handling of the Szuta case in which a court recently awarded custody to the taking parent despite a Hague ruling ordering the children returned to the U.S. The Minister requested information from the U.S. on three pending cases of Polish children in the U.S. On the Mielec privatization, the Minister promised that the investigation would be conducted fairly, although could not guarantee that the investigation would be concluded speedily.

He also promised to contact that Rzeszow prosecutor overseeing the case to request that information in the investigation be tightly controlled. End Summary.

12. (SBU) Ambassador met with Minister of Justice Ziobro and Undersecretary of State Duda on June 22 to discuss problems with implementation of the Hague Convention on International Child Abduction in Poland and the investigation into the privatization of the Mielec aircraft factory. Also present were Consul General, and Econ officer (notetaker).

Hague Convention

13. (SBU) The Ambassador began the discussion with Minister Ziobro by conveying ref talking points regarding our concern regarding Poland's application and enforcement of the Hague Convention and referring in particular to the recent ruling in the Szuta case, in which the taking parent was granted custody even though there was an earlier Hague order that the children be returned to the U.S. He stressed that there is no provision in the Hague Convention which allows for the reexamination of a custody order because the local authorities could not carry out the original return order. Custody issues are always difficult, especially when children are in different countries, but it is the USG position that as both Poland and the U.S. are signatories to the Hague Convention, its provisions should be carried out.

14. (SBU) It is also Poland's position that both countries should abide by the Hague Convention, replied Minister Ziobro. Because of the special relationship between parents and children it is hard for authorities to enforce return orders

if parents are determined to hide their children. Such conduct is socially approved and makes it harder for the government to locate children and act. Poland experiences the same problems when it seeks the return of children from other EU countries, such as Italy, to say nothing of countries in the Middle East. Poland also has three cases from 2005 and 2006 in which it is seeking the return of children from the U.S. The Ministry is criticized by left behind parents and their relatives for ineffectiveness and would like these cases to proceed more smoothly through the U.S. judicial system.

15. (SBU) The Ambassador asked the Minister to give us the names and specifics of the Polish cases in the U.S. that he was referring to, promising that we would ask the Department to look into them. In return he requested that the GOP provide similar information on cases in Polish courts. Minister Ziobro promised to have Undersecretary Andrzej Duda, present at the meeting, look into our complaints regarding the handling of the Szuta case. The CG added that the Szuta ruling is particularly disturbing to us as it awarded the taking parent custody, thereby rewarding her for evading her original order. It also sets a precedent for other cases in which parents who have abducted children and evaded return orders simply wait a period of time and then argue that the other parent has no relationship with the child. This clearly overturns the Hague Convention.

16. (SBU) In an aside after the meeting, Ambassador and CG impressed on Undersecretary Duda the importance of reaching out to judges to educate them on the Hague Conventions. Duda replied that relations between the Ministry and judges is not good and the Ministry in any case cannot interfere in judicial proceedings. CG argued that training judges to understand Poland's obligations under the treaty is not interference but education.

17. (SBU) Comment: Although our concerns were not directly

WARSAW 00001457 002.2 OF 002

addressed, it is encouraging that we have been invited to discuss Hague issues with a much higher level MOJ official. Poland's Central Authority at MOJ has not been enthusiastic about regional training for judicial authorities, but given Ziobro's reference to other EU child abduction cases, this could be a good time to explore again regional training opportunities. One of the problems with the Hague Convention training for judges in Poland is that there is no way to predict who among the many might ever handle a Hague case. Therefore, we would recommend that any such training emphasize how central authorities can more proactively and effectively reach out to judges and prosecutors before hearings begin and before decisions are made. End comment.

Mielec Investigation

18. (SBU) On the investigation into allegations of corruption in the privatization of the Mielec aircraft factory by the Ministry of State Treasury and the Defense Property Agency (ARP), the Ambassador emphasized that he is concerned that the investigation is unfairly tarnishing the name and reputation of UTC/Sikorsky Aircraft Corporation, the new owner of the Mielec plant. The current GOP approved the privatization. The Tarnobrzeg prosecutor investigating the case spoke openly to the press. Sikorsky is a reputable firm and is being unfairly criticized for a privatization in which the company saved jobs and agreed to expand operations. The Ambassador hoped that there would be no further leaks to the media and the investigation be completed quickly, no matter how it turns out.

19. (SBU) Minister Ziobro, familiar with the investigation, explained that there is a problem with privatizations in Poland have important social consequences and that they must be conducted fairly. Both the prosecutor and the Minister of Justice have an obligation to ensure that they carry out

investigations in a fair fashion when they are alerted to allegations of impropriety. So far, there have been no additional activities on the Mielec investigation other than the interrogation of the journalist making the allegations of impropriety in the privatization. Under Polish law it is not prohibited for a witness to talk about a case, his testimony, or the documents he provides a prosecutor. If other journalists ask the prosecutor if he's investigating a case he has no choice other than to tell them that he is. However, other developments in the case, testimony, and documents will not be made public. Journalists may be able to obtain such information but the Ministry of Justice will make sure that the procedure is as fair as possible. The Minister promised to contact the Rzeszow prosecutor overseeing the Tarnobzeg prosecutor investigating the case to urge him to tighten control over information. The Minister could not guarantee that the journalist or other subjects being interviewed will not talk to journalists.

¶10. (SBU) Minister Ziobro promised that he would ensure that the investigation is fair. However, he can not ensure that it will be speedy as Polish courts rely on technical experts who are subject to market forces. The prosecutor might want to conclude a case but may not be able to convince the technical experts to provide needed analysis in a timely fashion. Ziobro concluded by stating that the investigation is not aimed at anyone in particular, and certainly not against Sikorsky Aircraft.

ASHE